

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Valentina Concha-Toro	Team: Squad #15	CCRB Case #: 201907364	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 08/18/2019 11:20 AM	Location of Incident: Manhattan Cruise Terminal Pier 88	Precinct: 18	18 Mo. SOL 2/18/2021	EO SOL 10/5/2021	
Date/Time CV Reported Mon, 08/19/2019 2:44 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 08/19/2019 2:44 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Nealon	23351	922863	CW T TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Nealon	Abuse: Police Officer Christophe Nealon threatened to arrest § 87(2)(b)	
B.POM Christophe Nealon	Abuse: Police Officer Christophe Nealon threatened to arrest § 87(2)(b)	
C.POM Christophe Nealon	Discourtesy: Police Officer Christophe Nealon spoke discourteously to § 87(2)(b)	
D.POM Christophe Nealon	Discourtesy: Police Officer Christophe Nealon acted discourteously toward § 87(2)(b)	
E.POM Christophe Nealon	Abuse: Police Officer Christophe Nealon searched the vehicle in which § 87(2)(b) was an occupant.	
F.POM Christophe Nealon	Off. Language: Police Officer Christophe Nealon made remarks to § 87(2)(b) based upon the gender of § 87(2)(b)	

Case Summary

On August 19, 2019, § 87(2)(b) filed this complaint online with the CCRB.

At approximately 11:00 a.m. on August 18, 2019, § 87(2)(b) was driving his father, § 87(2)(b) and additional family members to the Manhattan Cruise Terminal at Pier 88 in a red Cadillac. § 87(2)(b) stopped the red Cadillac and began unloading luggage. Police Officer Christophe Nealon of the Citywide Traffic Task Force approached and instructed the red Cadillac to move. § 87(2)(b) got into the driver seat and began moving the red Cadillac. Police Officer Nealon stopped § 87(2)(b). § 87(2)(b) approached the red Cadillac from the sidewalk. Police Officer Nealon threatened to arrest § 87(2)(b). (Allegation A: Abuse of Authority, § 87(2)(g)) Police Officer Nealon threatened to arrest § 87(2)(b). (Allegation B: Abuse of Authority, § 87(2)(g)) Police Officer Nealon allegedly told § 87(2)(b) that § 87(2)(b) was a “smart-ass” (Allegation C: Discourtesy, § 87(2)(g)) § 87(2)(b) gave Police Officer Nealon a PBA courtesy card and Police Officer Nealon allegedly threw it into § 87(2)(b)’s vehicle (Allegation D: Discourtesy, § 87(2)(g)) Police Officer Nealon’s arm allegedly passed through the open driver window and he leaned his face into the open window (Allegation E: Abuse of Authority, § 87(2)(g)) Police Officer Nealon allegedly told § 87(2)(b) to stop acting like a “little girl” (Allegation F: Offensive Language, § 87(2)(g)) Police Officer Nealon issued § 87(2)(b) a summons for § 87(2)(b). No arrests were made.

There was no video of this incident. Police Officer Nealon did not record the incident or the issuance of the summons on his body-worn camera, which was issued to him less than 90 days prior to this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Christophe Nealon threatened to arrest

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Christophe Nealon threatened to arrest

§ 87(2)(b)

A summons was issued to § 87(2)(b) by Police Officer Nealon for § 87(2)(b) (Board Review 01). It is undisputed that Police Officer Nealon threatened to arrest § 87(2)(b). § 87(2)(g)

In the statements § 87(2)(b) and § 87(2)(b) provided the CCRB (Board Reviews 02 and 03), they stated that § 87(2)(b) had been unloading luggage for approximately five minutes when Police Officer Nealon instructed the red Cadillac to move. § 87(2)(b) approached the driver side door and Police Officer Nealon stood beside the driver side door. § 87(2)(b) got into the driver seat and pulled out to the left. § 87(2)(b) stated that Police Officer Nealon told him he was getting a summons and he moved the red Cadillac further into the traffic lane. Police Officer Nealon placed his hand on the hood of the red Cadillac and stopped the vehicle. § 87(2)(b) stated that § 87(2)(b) approached the vehicle

from the sidewalk and stood approximately 20 feet away from the vehicle. § 87(2)(b) stated that he had approached the vehicle and stood five to eight feet from the vehicle and nine feet from Police Officer Nealon. § 87(2)(b) stated that Police Officer Nealon told § 87(2)(b) to not approach the vehicle because § 87(2)(b) was going to be arrested. § 87(2)(b) stated that Police Officer Nealon told him to stay away from the vehicle or else he could be “taken in” to the stationhouse.

Witness telephone statements were obtained from § 87(2)(b) s brother, § 87(2)(b) s sister, § 87(2)(b) s mother § 87(2)(b) and § 87(2)(b) s brother-in-law, § 87(2)(b) (Board Reviews 04, 05, 06 and 07). § 87(2)(b) stated that § 87(2)(b) was approximately 10 feet away from the vehicle. Police Officer Nealon told § 87(2)(b) to get back onto the side walk and that he was going to arrest § 87(2)(b) stated that § 87(2)(b) approached the vehicle and Police Officer Nealon told § 87(2)(b) that if § 87(2)(b) continued to speak with § 87(2)(b) § 87(2)(b) would be arrested. § 87(2)(b) and § 87(2)(b) did not recall a discussion regarding arrest.

Police Officer Nealon testified to the CCRB (Board Review 08) that he was directing traffic and told the red Cadillac to move. § 87(2)(b) approached the driver seat and told Police Officer Nealon that he would move the red Cadillac. § 87(2)(b) got into the driver seat and after approximately a few minutes he had not moved the red Cadillac. Police Officer Nealon instructed § 87(2)(b) to move the red Cadillac again and he responded by saying that he would move when he was ready. Police Officer Nealon turned away and directed traffic. Police Officer Nealon stood between the unloading lane and a lane of moving traffic. § 87(2)(b) moved the red Cadillac toward where Police Officer Nealon was standing to merge with traffic. Police Officer Nealon put his hand out to instructed § 87(2)(b) to stop. § 87(2)(b) told Police Officer Nealon he had previously told him to move and § 87(2)(b) continued driving forward causing Police Officer Nealon to move backward into the moving traffic lane. Police Officer Nealon stepped in front of § 87(2)(b) s vehicle and stopped the vehicle. The front of the red Cadillac was facing Police Officer Nealon and his back was toward a moving traffic lane. Police Officer Nealon asked § 87(2)(b) for his ID and he refused to provide it. § 87(2)(b) approached from the sidewalk, walked around the front of § 87(2)(b) s vehicle and informed Police Officer Nealon he could talk to § 87(2)(b) Police Officer Nealon did not want there to be an accident involving either himself or § 87(2)(b) and a moving vehicle. Police Officer Nealon told § 87(2)(b) he was committing OGA and needed to return to the sidewalk. Police Officer Nealon assumed § 87(2)(b) understood that the consequence was that he could be arrested but he did not discuss arrest directly to § 87(2)(b) Police Officer Nealon informed § 87(2)(b) he either provide his ID or he would be arrested. Police Officer Nealon explained that § 87(2)(b) could have been arrested for not providing his ID and for OGA.

§ 87(2)(g)
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§ 87(2)(g)

According to NYS Penal Law, Section 195.05 (Board Review 09), person is guilty of obstructing governmental administration when he intentionally obstructs, impairs or perverts the administration of law or other governmental function or prevents or attempts to prevent a public servant from performing an official function, by means of intimidation, physical force or interference, or by means of any independently unlawful act.

According to NYPD Patrol Guide, Section 209-01 (Board Review 10), an officer can issue a summons instead of arresting the violator for any vehicle and traffic law violation.

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Discourtesy: Police Officer Christophe Nealon spoke discourteously to

§ 87(2)(b)

In § 87(2)(b)'s CCRB statement (Board Review 02) he stated that when § 87(2)(b) approached the red Cadillac from the sidewalk, Police Officer Nealon told him that § 87(2)(b) was being a "smart-ass." In § 87(2)(b)'s witness statement (Board Review 05), she stated that she believed Police Officer Nealon used profanity during the incident but did not know what he had said. § 87(2)(b) in his statement (Board Review 03) stated that he did not hear Police Officer Nealon use the word "smart-ass" or any other profanity.

In Police Officer Nealon's testimony (Board Review 08) he stated that he did not recall using any curse words or profane language during the incident. Police Officer Nealon did not recall ever saying "smart-ass" during the incident.

§ 87(2)(g)

§ 87(2)(g)

Allegation (D) Discourtesy: Police Officer Christophe Nealon acted discourteously toward

§ 87(2)(b)

It is undisputed that while Police Officer Nealon was standing at the driver window of § 87(2)(b)'s vehicle, § 87(2)(b) provided either a PBA or lieutenant's courtesy card to Police Officer Nealon. The card was returned to § 87(2)(b) § 87(2)(g)

In § 87(2)(b)'s interview (Board Review 02) he stated that upon giving Police Officer Nealon the card, Police Officer Nealon told him he did not ask for it. Police Officer Nealon held the card in one hand with a bent arm. Police Officer Nealon extended his arm straightening it and throwing the card as if it were a frisbee onto the floor of § 87(2)(b)'s empty passenger seat.

Police Officer Nealon testified (Board Review 08) that § 87(2)(b) provided the card with his license and registration. Police Officer Nealon returned the card to § 87(2)(b) by extending his arm and § 87(2)(b) took the card in his own hand. § 87(2)(b) placed the card onto the dashboard. Police Officer Nealon denied throwing anything into the red Cadillac.

§ 87(2)(g)

§ 87(2)(g)

Allegation (E) Abuse of Authority: Police Officer Christophe Nealon searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) and § 87(2)(b) stated (Board Reviews 02, 04 and 06) that Police Officer Nealon placed his hands on the window sill of the driver side door and leaned toward § 87(2)(b) § 87(2)(b) and § 87(2)(b) stated that Police Officer Nealon's head was past the plane of the open window. § 87(2)(b) stated that when Police Officer Nealon allegedly threw the card into the car, his arm passed through the open window. § 87(2)(b) stated (Board Review 05) that from the sidewalk she observed Police Officer Nealon's arm extended through the open window.

Police Officer Nealon testified (Board Review 08) that he did not place his hands on the window sill of the driver door and lean into the open window. Police Officer Nealon stated that he would not do this because it would be dangerous if § 87(2)(b) were to drive away. Police Officer Nealon denied he placed any body part into the red Cadillac through the open driver window.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g) [REDACTED].

Allegation (F) Offensive Language: Police Officer Christophe Nealon made remarks to

§ 87(2)(b) **based upon the gender of § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) stated (Board Reviews 02, 04 and 05) stated that Police Officer Nealon while speaking to § 87(2)(b) made a comment during which he called § 87(2)(b) a “little girl.”

Police Officer Nealon testified (Board Review 08) that he did not recall asking § 87(2)(b) why he had been acting like a “little girl.” Police Officer Nealon stated that the comment of “little girl” did not sound like something he would say.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

§ 87(2)(g) [REDACTED]

Civilian and Officer CCRB Histories

- This is the only CCRB case to which § 87(2)(b) has been a party (Board Review 12).
- This is the only CCRB case to which § 87(2)(b) has been a party (Board Review 13).
- Police Officer Nealon has been a member-of-service for 21 years and has two prior CRB allegations in two cases with no substantiated allegations. § 87(2)(g) [REDACTED].

Mediation, Civil and Criminal Histories

